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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 H.A.W.,

CASE NO. C24-1065JLR

11 Plaintiff,

ORDER

12 v.

13 ALEJANDRO MAYORKAS, et al.,

14 Defendants.

15 Before the court is Plaintiff H.A.W.'s motion to proceed under pseudonym and for
16 a protective order requiring Defendants to maintain his confidentiality in all filings and
17 public proceedings. (Mot. (Dkt. # 2).) The court exercises its discretion pursuant to
18 Federal Rule of Civil Procedure 1 to decide the motion before the noting date because
19 Defendants, who are officials of the United States Department of Homeland Security,
20 have not yet appeared in this action and did not respond to the motion before the August
21 2, 2024 deadline. (*See generally* Dkt.) The court has reviewed the motion, the relevant
22 portions of the record, and the governing law. Being fully advised, the court GRANTS

1 Plaintiff's motion without prejudice to Defendants opposing anonymity later in these
2 proceedings.

3 Plaintiff is a Ugandan national whose I-589 Application for Asylum and
4 Withholding of Removal has been pending with the United States Citizenship and
5 Immigrations Services ("USCIS") since January 8, 2018. (Compl. (Dkt. # 1) ¶¶ 2-3, 15.)
6 Plaintiff, who was a pharmacist in Uganda, represents that he suffered past persecution in
7 his native country because he made pharmaceutical services, including informational
8 counseling, available for the LGBTQ community and for individuals suffering from HIV.
9 (Mandamus Declaration (Dkt. # 1-4) ¶ 2.) "[B]ecause the Ugandan government
10 criminalizes same-sex relationships, and because it is culturally unacceptable to support
11 the LGBTQ community," he was threatened and assaulted; his pharmacy was vandalized;
12 and he was arrested. (*Id.* ¶¶ 2-3.) His spouse and minor child remain in Uganda and
13 have "encountered violence" since he left Uganda seven years ago. (*Id.* ¶¶ 4-5.) H.A.W.
14 now seeks a writ of mandamus ordering Defendants to schedule his asylum interview and
15 adjudicate his asylum application. (Compl. at 10.)

16 Generally, under Federal Rule of Civil Procedure 10(a), a plaintiff must name all
17 of the parties in the title of the complaint. *See Fed. R. Civ. P. 10(a).* A party is permitted
18 to use pseudonyms in a civil action, however, if "the party's need for anonymity
19 outweighs prejudice to the opposing party and the public's interest in knowing the party's
20 identity." *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir.
21 2000). The court should "determine the need for anonymity by evaluating the following
22 factors: (1) the severity of the threatened harm; (2) the reasonableness of the anonymous

1 party's fears; and (3) the anonymous party's vulnerability to such retaliation." *Id.*
 2 (internal citations omitted). The court must also determine the precise prejudice at each
 3 stage of the proceedings to the opposing party, whether the proceedings may be
 4 structured so as to mitigate that prejudice, and whether the public's interest in the case
 5 would be best served by requiring that the litigants reveal their identities. *Id.* (citations
 6 omitted).

7 "[R]etaliation from a foreign government is recognized by the Ninth Circuit and
 8 other district courts as a sufficient basis to proceed anonymously." *Poozesh v. Pompeo*,
 9 No. 1:19-cv-01466-LJO-SKO, 2019 WL 6052363, at *2 (E.D. Cal. Nov. 15, 2019) (citing
 10 *Does I thru XXIII*, 214 F.3d at 1063, 1065, 1071 (considering possible retaliation by the
 11 Chinese government against Chinese national plaintiffs residing in Saipan and their
 12 family members residing in China as supporting the use of pseudonyms)). Courts in this
 13 Circuit have regularly granted plaintiffs leave to file pseudonymously in cases relating to
 14 asylum proceedings. *See, e.g., Doe v. U.S. Citizenship & Immigr. Servs.*, No.
 15 1:21-cv-00576-NONE-SAB, 2021 WL 1907562, at *4 (E.D. Cal. May 12, 2021) (citing
 16 *Al Otro Lado, Inc. v. Nielsen*, No. 17-cv-02366-BAS-KSC, 2017 WL 6541446, at *8
 17 (S.D. Cal. Dec. 20, 2017)); *A.B.T. v. U.S. Citizenship & Immigr. Servs.*, No. C11-
 18 2108RAJ, 2012 WL 2995064, at *6 (W.D. Wash. July 20, 2012) (granting leave to
 19 proceed anonymously where plaintiffs feared future persecution if identified and forced
 20 to return to their native countries). Defendants will not be prejudiced if Plaintiff is
 21 permitted to proceed anonymously because they know Plaintiff's true identity. (*See*
 22 Form I-589 Receipt Notice (Dkt. # 1-2)); *Al Otro Lado*, 2017 WL 6541446, at *6 (finding

1 no prejudice would result from the use of pseudonyms because Defendants knew the
2 identities of the individual plaintiffs and thus had “the information they need to defend
3 against the claims of the” plaintiffs.)

4 Having reviewed the record before it, and having considered the severity of
5 potential harm, the reasonableness of Plaintiff’s fears, Plaintiff’s vulnerability to
6 retaliation, the potential prejudice to Defendants, and the public interest, the court
7 concludes that Plaintiff’s need for anonymity outweighs countervailing considerations at
8 this early stage of the proceedings. Accordingly, the court grants Plaintiff’s motion to
9 proceed under pseudonym and for a protective order (Dkt. # 2). The court will revisit the
10 issue if, at a later stage of the proceedings, Defendants so move. *See Does I thru XXIII,*
11 214 F.3d at 1069 (recognizing “that the balance between a party’s need for anonymity
12 and the interests weighing in favor of open judicial proceedings may change as the
13 litigation progresses”); *Al Otro Lado, Inc.*, 2017 WL 6541446, at *8 (noting that
14 defendants may challenge party anonymity “at a later stage of the proceedings”).

15 Dated this 5th day of August, 2024.

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19 JAMES L. ROBART
20 United States District Judge
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